

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JASON P. MARTIN,**

**Plaintiff,**

**vs.**

**F.P.E.C. CORPORATION OF ARKANSAS,  
INC.,**

**Defendant.**

**8:18CV480**

**AMENDED  
FINAL PROGRESSION ORDER**

This matter comes before the Court on the Joint Stipulation to Extend Deadlines and Trial Date ([Filing No. 14](#)). After review of the parties' stipulation, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the parties' Joint Stipulation to Extend Deadlines and Trial date ([Filing No. 14](#)) is granted, and the final progression order is amended as follows:

- 1) The trial and pretrial conference are cancelled.
- 2) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **December 31, 2019**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **January 15, 2020**.  
**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.
- 3) The deadlines to identify expert witnesses and to complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	<b>March 31, 2020</b>
For the defendant:	<b>April 24, 2020</b>
Plaintiff's rebuttal:	<b>May 15, 2020</b>

- 4) The deposition deadline is **May 1, 2020**.
- 5) The parties did not request an extension of the deadline to file motions to dismiss and motions for summary judgment.

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **May 1, 2020**.
- 7) A telephonic conference to discuss pretrial conference and trial dates and settlement status will be held with the undersigned magistrate judge on **May 4, 2020, at 10:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 23<sup>rd</sup> day of October, 2019.

BY THE COURT:

s./Michael D. Nelson  
United States Magistrate Judge